

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #09- 48 (E)

DIGEST

Temporarily amends 312 IAC 9-2-11, 312 IAC 8-2, with respect to the taking of mute swan at state parks. Under IC 4-22-2-37.1, IC 14-22-2-6, and IC 14-10-2-5, the director of the department of natural resources adopts the temporary rule set forth in this document. The temporary rule is adopted with the awareness that regulation of wild animals in Indiana is the responsibility of the department of natural resources. The director is authorized to adopt temporary rules under IC 14-22-2-6 to manage wild animals in Indiana or in a designated part of Indiana. In addition, the director is responsible for controlling wild animals in a state park. Based upon the opinion of professional biologists, the director has determined mute swan (*Cygnus olor*) are aggressive birds that often exclude, and sometimes kill, native waterfowl and can be aggressive towards humans. Mute swan will cause obvious and measurable damage to the ecological balance at listed state parks. Ecological balance will not be maintained unless action is taken to control the population of mute swan in state parks. Effective January 30, 2009.

SECTION 1. (a) Notwithstanding 312 IAC 9-2-11, 312 IAC 8-2, and any other provision governing hunting a wild animal within a state park, an individual qualified under this SECTION may take a mute swan (*Cygnus olor*) from the following:

- (1) Chain O'Lakes State Park.**
- (2) Pokagon State Park.**
- (3) Potato Creek State Park.**
- (4) Shakamak State Park.**

(b) In order to qualify under subsection (a), an individual must:

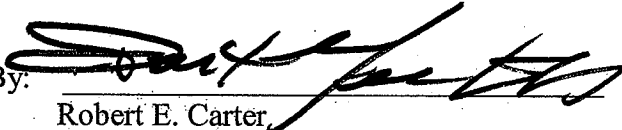
- (1) be an employee of the department;**
- (2) possess authorization of the director or the director's designee; and**
- (3) comply with any terms in the written authorization.**

SECTION 2. SECTION 1 of this document expires January 29, 2010.

Rule Signature Page

Rule #: LSA #09- **48** (E)
Agency: Natural Resources Commission
Subject: Taking of Mute Swans (Cygnus olor) at State Parks

ADOPTED:

By:  Date: 1/12/2009
Robert E. Carter
Director
Department of Natural Resources

ACCEPTED FOR FILING:

TITLE 312 NATURAL RESOURCES COMMISSION
LSA Document #09-48(ER)
By: _____
Filed with Publisher: January 21, 2009, 10:27 a.m.
By: Rlw